

Dated: July 16, 1982.
Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 193.186(b) is amended by extending the expiration date for sugarcane molasses to read as follows:

§ 193.186 Ethephon.

(b) * * *

Foods	Parts per million	Company	Expiration date
Sugarcane, molasses.	7.0	Union Carbide	July 16, 1984.
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[FR Doc. 82-20408 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Part 561

[FAP 9H5206/R116; PH-FRL 2176-6]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Diflubenzuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation for residues of the insecticide diflubenzuron in or on soybean hulls and soybean soap stock. This regulation to establish the maximum permissible levels for the insecticide in or on the commodities was requested by TH Agriculture and Nutrition Co., Inc.

EFFECTIVE DATE: July 28, 1982

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis

Highway, Arlington, VA 22202; (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the *Federal Register* of April 12, 1979 (44 FR 21882) which announced that Thompson Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110, had filed a feed additive petition (FAP 9H5206) with EPA proposing that 21 CFR Part 561 be amended by permitting residues of the insecticide diflubenzuron (N-[[[4-chlorophenyl]amino]carbonyl]-2,6-difluorobenzamide) in or on the commodities soybean hulls at 0.5 part per million (ppm) and soybean soap stock at 0.1 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicity and other relevant data pertaining to this insecticide are included in a related document (PP 6F1832/R467) which appears elsewhere in this issue of the *Federal Register*.

The established tolerances for residues in eggs, milk, meat, and poultry are adequate to cover secondary residues resulting from the proposed uses as delineated in 40 CFR 180.6(a)(2).

The pesticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the insecticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, by August 27, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such

food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: July 12, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by establishing a new § 561.420 to read as follows:

§ 561.420 Diflubenzuron.

A regulation is established permitting residues of the insecticide diflubenzuron (N-[[[4-chlorophenyl]amino]carbonyl]-2,6-difluorobenzamide) in or on the following feed commodities:

Feeds	Parts per million
Soybean hulls	0.5
Soybean soap stock	0.1

[FR Doc. 82-20160 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF EDUCATION

34 CFR Part 106

Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Education Department.

ACTION: Final regulations.

SUMMARY: The Secretary of Education amends the Title IX regulation (nondiscrimination on the basis of sex) by revoking § 106.31(b)(5) which prohibits discrimination in the application of codes of personal appearance. This amendment permits the Department to concentrate its resources on cases involving more serious allegations of sex discrimination. Development and enforcement of appearance codes is an issue for local determination.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication

in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

ADDRESSES: Any questions concerning these regulations should be addressed to Harry M. Singleton, Acting Assistant Secretary for Civil Rights, 400 Maryland Avenue, SW. (Room 5000 Switzer Building), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Antonio J. Califa, Telephone No. (202) 245-2184.

SUPPLEMENTARY INFORMATION:

Revocation of this subparagraph of the Title IX regulations permits issues involving codes of personal appearance to be resolved at the local level. The Department will concentrate on enforcing Title IX in cases involving more serious allegations of sex discrimination. There is no indication in the legislative history of Title IX that Congress intended to authorize Federal regulations in the area of appearance codes.

A Notice of Proposed Rulemaking was published in the **Federal Register** on April 23, 1981 (46 FR 23081). Interested persons were given until May 26 to submit written comments. A summary comment analysis and the Department's response follows.

Section 106.31(b)(5)

Fifty-three comments were received regarding revocation of § 106.31(b)(5). Of those, thirty-one favored the rescission, seventeen opposed it, and five expressed no clear opinion. Twenty-two of the comments favoring the amendment specifically mentioned the need to allow appearance code matters to be resolved by the local community.

Comment: Many commenters supported the Department's proposal to leave appearance codes to local determination. Some commenters stated that the proposed rule would remove an area of overregulation by the Federal government. Others stated that the Department was unnecessarily burdened by the enforcement of requirements such as the regulation on appearance codes.

Response: The Department agrees with the commenters and has revoked the appearance code regulation.

Comment: Some commenters opposed the elimination of appearance codes as an area for Federal regulation under Title IX. These commenters stated that

appearance codes encourage restrictive stereotyped roles for male and female students and foster an atmosphere which is not conducive to equal educational opportunity. Some commenters expressed concern that individual liberties would be restricted as a result of the proposed regulatory amendment. Others cited the symbolic value of the appearance code regulation and stated that its elimination would indicate to school administrators that restrictions on educational opportunities based solely on a student's gender are appropriate.

Response: The Department does not take any position regarding the adoption of appearance codes by local school districts since this is a matter that should be left to local discretion. The Department does not believe that the regulatory change will lead to restrictions on individual liberty. The amendment does not indicate any lack of resolve on the part of the Department to vigorously enforce the Title IX regulation. On the contrary, one result of the regulatory amendment will be to permit the concentration of resources on areas of the Title IX regulation which are more central to the statute's prohibition of discrimination on the basis of sex in education programs which receive Federal financial assistance.

Regulatory Flexibility Act Certification

The Secretary certifies that this regulation will not have a significant economic impact on a substantial number of small entities. These regulations are administrative and do not affect any small entities.

List of Subjects in 34 CFR Part 106

Civil rights, Grant programs—Education, Sex discrimination, Vocational education, Women.

Dated: June 7, 1982.

T. H. Bell,

Secretary of Education.

Approved: July 2, 1982.

William French Smith,

Attorney General.

Part 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

The Secretary amends Title 34 of the Code of Federal Regulations as follows:

§ 106.31 [Amended]

In § 106.31, paragraph (b)(5) is revoked and removed, and paragraphs (b)(6)–(8) are redesignated as (b)(5)–(7).

[FR Doc. 82-20474 Filed 7-27-82; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans' Educational Assistance Program; Advance Payments

AGENCIES: Veterans Administration and Department of Defense.

ACTION: Final regulation.

SUMMARY: This regulation, adopted jointly by the Veterans Administration and the Department of Defense, permits the advance payment of educational assistance allowance to participants in the Post-Vietnam Era Veterans' Educational Assistance Program following breaks in enrollment of more than 30 days. Previously, a break had to be more than a calendar month before the Veterans Administration could make an advance payment. This resulted in some instances where an individual could not be paid for the interval between terms, and could not receive an advance payment for the next term. This regulation eliminates this inequity.

EFFECTIVE DATE: July 9, 1982.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On page 12363 of the **Federal Register** of March 23, 1982 there was published a notice of intent to amend part 21 to permit advance payments of educational assistance allowance following breaks in enrollment of more than 30 days.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposal. The Veterans Administration and Department of Defense received no comments. Accordingly, the agencies are adopting the proposal.

The agencies have determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than \$100 million. It will not result in any major increases in the costs or prices for

anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this regulation therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the regulation will affect only individual Veterans Administration benefit recipients. It will have no significant direct impact on small entities (i.e. small businesses, small private and nonprofit organizations and small governmental jurisdictions).

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.120.

Approved: June 11, 1982.

Approved: July 9, 1982.

Robert P. Nimmo,
Administrator.

R. Dean Tice,
Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

In § 21.5135, paragraph (f) is revised to read as follows:

§ 21.5135 Advance payments.

(f) *Time of payment.* The Veterans Administration will authorize an advance payment only for—

(1) The beginning of an ordinary school year; or

(2) The beginning of any other enrollment period which begins after a break in enrollment of 30 days or longer, provided the individual is not eligible for payment for the break. (38 U.S.C. 1641, 1780(d))

[FR Doc. 82-20417 Filed 7-27-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-2165-5]

Approval and Promulgation of Implementation Plans; Deletion of Ector County From Texas Air Control Board Regulation V—Volatile Organic Compound Loading and Unloading Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action approves a revision to the Texas State Implementation Plan (SIP) submitted to EPA by the Governor on July 20, 1981. This action deletes Ector County from the volatile organic compound (VOC) control requirements of Texas Air Control Board (TACB) Regulation V, Subsection 115.111 and .113 regarding VOC loading and unloading facilities in nonattainment areas. This action is based on an EPA rulemaking of June 29, 1981 (at 46 FR 33269) in which Ector County was redesignated from nonattainment to attainment with regard to the National Ambient Air Quality Standards for ozone. The effect of this action will provide for more efficient and effective air quality management.

DATE: This action is effective on September 27, 1982.

ADDRESSES: Written comments on this action may be submitted to the following address: Environmental Protection Agency, Region 6, Air & Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Richard Raybourne.

The State's submittal is available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270.

EPA, Public Information Reference Unit, Library, Room 2922, PM 213, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460

EPA's evaluation of the State's submittal, "EPA Review of Texas State Implementation Plan Revision for the Deletion of Ector County From Texas Air Control Board Regulation V—Volatile Organic Compound Loading and Unloading Facilities of July 20, 1981, June, 1982, is available at the Region 6 address listed above.

FOR FURTHER INFORMATION CONTACT:

Richard Raybourne, SIP Section, 6AW-AS, Environmental Protection Agency, Region 6 Office, (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Background

Ector County was subject to TACB Regulation V Subsection 115.111 and .113, "Facilities For Loading and Unloading of Volatile Organic Compounds in Ozone Nonattainment Areas," to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas. Affected facilities in Ector County were required to achieve compliance with this Subsection by December 31, 1982. On February 8, 1979 EPA promulgated a revised National Ambient Air Quality Standard for ozone, raising the standard from .08 parts per million (ppm) to .12 ppm. The State demonstrated that the revised standard was attained in Ector County for the years 1977, 1978, and 1979.

On February 6, 1980, the TACB submitted to EPA a request to redesignate the ozone attainment status in Ector County from nonattainment to attainment. EPA reviewed the request for redesignation, and on August 26, 1980 (at 45 FR 56848) proposed approval. Ector County was subsequently redesignated as attainment in EPA's final rulemaking of June 29, 1981 (46 FR 33269).

After reasonable notice and public hearing, the SIP revision deleting Ector County from the requirements of TACB subsection 115.111 and .113 was submitted to EPA by the Governor of Texas. The State's action to delete Ector County was prompted by the county's demonstrated attainment of the revised standard, which makes the control requirements of TACB Subsection 115.111 and .113 no longer necessary. EPA is approving the State's July 20, 1981 revision on this basis.

The public should be advised that this action will be effective 60 days from the date of the Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I hereby certify that this action will not have a